

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE: Stridemark, LLC.)	Chapter 7
)	Case No. 07-32287
Debtor)	
)	
Colonial Pacific Leasing Corporation,)	
Assignee of GE Capital Commercial, Inc.,)	
successor in interest by merger with)	
Ingersoll-Rand Financial Services,)	
a division of CitiCapital)	
Commercial Corporation,)	
)	
Movant,)	
)	
vs.)	
)	
Stridemark, LLC,)	
)	
Respondent)	
)	
A. Burton Shuford,)	
)	
Chapter 7 Trustee)	

**COLONIAL PACIFIC LEASING CORPORATION, ASSIGNEE OF
GE CAPITAL COMMERCIAL, INC., SUCCESSOR IN INTEREST BY MERGER WITH
INGERSOLL-RAND FINANCIAL SERVICES, A DIVISION OF CITICAPITAL
COMMERCIAL CORPORATION'S
MOTION FOR RELIEF FROM STAY OF ACT AGAINST PROPERTY**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Colonial Pacific Leasing Corporation, assignee of GE Capital Commercial Inc., successor in interest by merger with Ingersoll-Rand Financial Services, a division of CitiCapital Commercial Corporation, creditor of the estate (herein "Colonial"), and file its Motion for Relief from Stay of Act Against Property against Stridemark, LLC, Debtor, Respondent herein, and would respectfully show the Court as follows:

1. The Bankruptcy Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, and 11 U.S.C. §§ 157, 362 and 365.
2. Respondent filed a voluntary petition under Chapter 7 of the Bankruptcy Code on November 20, 2007.
3. Colonial, as assignee of Manufacturer's Financing Services, is the lessor of certain equipment leased to the Debtor pursuant the Equipment Lease dated August 25, 2006 for the lease of a **Komo Automatic Material Handling System, equipped with all standard and any additional parts, attachments and accessories 5 x 10 base; Serial No. 58712-06.** True and correct copies of the Equipment Lease and the UCC Financing Statement reflecting the interest of Movant are attached hereto as Exhibits "A" and "B" and incorporated herein.
4. Respondent has failed to make payment per the terms of the Equipment Lease as same came due.

The outstanding balance due under the Equipment Lease to the Movant is \$55,363.22. The monthly lease payment amount is \$1,150.00. The estimated fair market value of this equipment is \$17,500.00.

5. A continuation of the automatic stay will work real and irreparable harm to Movant and will deprive Movant of the adequate protection to which it is entitled under 11 U.S.C. § 361 and § 362, as Movant is not receiving payment and the equipment is depreciating in value.
6. For the foregoing reasons, Movant seeks to terminate the automatic stay of 11 U.S.C. § 362 to allow it to exercise all available rights and remedies. Further, Movant seeks an order waiving the ten (10) day stay imposed under Bankruptcy Rule 4001.

WHEREFORE, PREMISES CONSIDERED, Colonial Pacific Leasing Corporation, assignee of GE Capital Commercial Inc., successor in interest by merger with Ingersoll-Rand Financial Services, a division of CitiCapital Commercial Corporation requests the following:

1. That an order terminating the automatic stay be entered allowing Colonial Pacific Leasing Corporation, assignee of GE Capital Commercial Inc., successor in interest by merger with Ingersoll-Rand Financial Services, a division of CitiCapital Commercial Corporation the right to repossess the property as described herein and to exercise its rights and remedies upon repossession of the equipment;
2. That the Movant be awarded attorney's fees and costs;
3. That the order terminating the automatic stay provide for a waiver of a ten-day stay imposed by Bankruptcy Rule 4001; and

For such other and further relief as is just.

Dated: December 31, 2008.

RESPECTFULLY SUBMITTED,

/s/ Rebecca A. Leigh

Rebecca A. Leigh Attorney for Colonial Pacific Leasing Corporation, assignee of GE Capital Commercial Inc., successor in interest by merger with Ingersoll-Rand Financial Services, a division of CitiCapital Commercial Corporation
N.C. Bar No. 24820

OF COUNSEL:

Law Offices of Rebecca A. Leigh, P.C.
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Greensboro, NC 27401
(336) 389-1800
(336) 389-0060 FAX

PARTIES TO BE SERVED

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The undersigned hereby certifies that a copy of the foregoing and attached *GE Capital Commercial Inc., successor in interest by merger with Ingersoll-Rand Financial Services, a division of CitiCapital Commercial Corporation's Motion for Relief for Stay of Act Against Property*, was served upon the following by placing a copy of same in the United States mail, postage pre-paid, first class mail, or electronic filing addressed as follows:

David Weich
U. S. Bankruptcy Clerk
P.O. Box 34189
Charlotte, North Carolina 28234-4189

John L. Bramlett
Bankruptcy Administrator
200 Gateway Plaza Bldg.
402 W. Trade Street
Charlotte, North Carolina 28202

A. Burton Shuford
Chapter 7 Trustee
301 S. McDowell Street, Suite 1012
Charlotte, North Carolina 28204

Glenn C. Thompson
Hamilton Moon Stephens Steele Martin
2020 Charlotte Plaza
201 S. College Street
Charlotte, North Carolina 28244-2020

Stridemark, LLC
1107 Churchill Downs Drive
Waxhaw, North Carolina 28173

This the 19 day of December, 2008.

/s/ Rebecca A. Leigh

Rebecca A. Leigh

Attorney for Colonial Pacific Leasing Corporation,
assignee of GE Capital Commercial Inc., successor in
interest by merger with Ingersoll-Rand Financial Services,
a division of CitiCapital Commercial Corporation
NC Bar No.: 24820

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